

PLANNING COMMISSION

October 8, 2008

Meeting Report

ROLL CALL

PRESENT: Commissioners' Campos, Do, Jensen, Kalra, Kamkar, Platten, Zito

ABSENT: None

1. DEFERRALS

- a. **CP08-043.** Conditional Use Permit Renewal to allow continued operation of a drinking and entertainment establishment in the DC Downtown Primary Commercial Zoning District, located at/on the north side of W. Santa Clara Street approximately 100 feet east of N. Market Street (81 W SANTA CLARA ST, Vault Nightclub)(Hoefler Walt S And Mary R Trustee, Owner). Council District 3. SNI: None. CEQA: Exempt. *Deferred from 08/20/08. PROJECT MANAGER, E.SAMONSKY*

DROPPED AT REQUEST OF APPLICANT AND STAFF (7-0-0)

2. CONSENT CALENDAR

- a. **CP08-036.** Conditional Use Permit to allow the renewal and continued use of an existing wireless communications monopole with associated ancillary equipment cabinets on a 5.96 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Dobbin Drive approximately 1,000 feet easterly of King Road (1855 DOBBIN DR)(R & C Brown Associates L.P., Owner; Verizon Wireless, Developer). Council District 3. SNI: None. CEQA: Exempt. *Deferred from 09/10/08. PROJECT MANAGER, S.SAHA*

DEFERRED TO 11/19/08 AT REQUEST OF THE APPLICANT (7-0-0)

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

- b. **CP08-013.** Conditional Use Permit to allow religious assembly use in a 5,000 square feet portion of an existing light industrial building, on a 0.80 gross acre site in the LI-Light Industrial Zoning District, located at 2586 Seaboard Avenue, (Temothy C Cho and Hee O Cho Trustee, Owner). Council District 4. SNI: None. CEQA: Exempt. *Deferred from 09/24/08. PROJECT MANAGER, S.SAHA*

APPROVED (7-0-0)

- c. **CP08-023.** Conditional Use Permit to allow construction of a 4,588 square foot restaurant building with a drive-through use on a 1.2 gross acre site in the CN Neighborhood Commercial Zoning District located on the east side of Monterey Highway, approximately 500 feet southerly of Tully Road (2300 Monterey Road) (Canned Foods Inc./Peter Read, Owner). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*

APPROVED (7-0-0)

- d. **CP06-069.** Conditional Use Permit to allow demolition of an existing gas station and construction of a new gas station with retail sales, car wash facility and 24-hour use, on a 0.91 gross acre site in the CN Neighborhood Commercial Zoning District, located at 1151 Tully Road. (Chevron USA, Inc., Owner). Council District 7. SNI: Tully/Senter. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

APPROVED (7-0-0)

Pulled by Commissioner Do

- e. **CP08-069.** Conditional Use Permit to allow operation of a public eating, drinking and entertainment establishment all with late night use until 2:00 a.m. on a 0.22 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the northwest corner of West San Fernando and South 1st Streets (Mezcal at 25 W San Fernando St). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

APPROVED (7-0-0)

- f. **CP08-070.** Conditional Use Permit to allow operation of a public eating, drinking and entertainment establishment all with late night use until 2:00 a.m. on a 0.22 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the northwest corner of South 1st and East San Fernando Streets (Billy Berk's at 99 S 1st St.) (Wilcox Block LLC, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

APPROVED (7-0-0)

- g. **CP08-032.** Conditional Use Permit to allow re-construction of a gasoline station and 1,900 square-foot mini-mart, and to allow a car wash facility on a 0.75 gross acre site in the CN Neighborhood Commercial Zoning District, located on the southwest corner of San Felipe Road and Aborn Road (3303 SAN FELIPE RD)(A Gaviola Inc, Owner). Council District 8. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED (7-0-0)

(Pulled by Commissioner Do)

- h. **SP08-041.** Preparation of Resolution of the Planning Commission's decision to uphold the Appeal and Approve a Special Use Permit for late night use with operating hours from 6:00 a.m. to 2:00 a.m., seven days a week for an existing restaurant on a 0.29 gross acre site, in the DC Downtown Primary Commercial Zoning District, located at the 345 South 4th Street (Joaquim A And Maria D Alvarez Trustee, Owner). Council District 3. SNI: University. CEQA: Exempt. *Continued from 09/24/08. PROJECT MANAGER, E.SAMONSKY*

APPROVED (6-1-0); JENSEN OPPOSED

Pulled by Commissioner Jensen

- i. **PDC08-004.** Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to subdivide one parcel into three lots for construction of three single-family detached residences on a 0.9 gross acre site, located on the west side of Elwood Road, approximately 750 feet northerly of Trinidad Drive (17601 Elwood Rd) (Bannister, Winston Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

RECOMMENDED APPROVAL (7-0-0)

- j. **ST08-002.** Street Renaming for Tract 9881 from Tierra Encantada Court to Bob Hansen Way, located on the south side of Tierra Encantada Way, approximately 220 feet east of McCreery Avenue (Tierra Encantada Development, LLP, Owner). Council District 5. SNI: Mayfair. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

APPROVED (7-0-0)

3. PUBLIC HEARINGS

- a. Review and Recommendation of the **Strong Neighborhoods Initiative King Ocala Neighborhood Area (K.O.N.A.) Neighborhood Improvement Plan Amendment** to the City Council. Council Districts 7 & 8. SNI: K.O.N.A. CEQA: Strong Neighborhoods Initiative Program EIR, Resolution No. 71045. *PROJECT MANAGER, P.SHAFER*

RECOMMENDED APPROVAL (7-0-0)

Strongly recommend the City Council facilitate bins for a bulky item clean-up in the community.

- b. **ORDINANCE AMENDMENT.** An Ordinance of the City of San José amending title 20 of the San José Municipal Code, the zoning code, to amend Section 20.70.100 of Chapter 20.70 to allow business support and business and administrative office uses as permitted uses with a special use permit in the DG Downtown Ground-Floor Space overlay, modify parking requirements for live/work units, and allow animal grooming as a permitted use in downtown zoning districts; amend Section 20.70.120 to modify the residential occupancy requirement for live/work units; and make other related clarifying changes and amendments. CEQA: EXEMPT; PP08-197. *PROJECT MANAGER, S.DO*

RECOMMENDED APPROVAL (7-0-0)

- c. **PDC07-020.** Planned Development Rezoning from the LI Light Industrial Zoning District to the A(PD) Planned Development Zoning District to allow up to 3,200 square feet of commercial uses and up to 9 single-family attached residential units in a mixed-use configuration on a 0.30 gross acre site, located at the southwest corner of The Alameda and Sunol Street (850 The Alameda) (Ham Real Est Inv LLC, Owner/Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, B.ROTH*

RECOMMENDED APPROVAL WITH RECOMMENDATION FOR THE APPLICANT TO CONTINUE TO WORK WITH NEIGHBORS, AND STAFF TO WORK WITH APPLICANT TO REDUCE PARKING FOOTPRINT AND BRING RESIDENTIAL ACTIVE USES DOWN TO STREET LEVEL ALONG SUNOL FRONTAGE. (7-0-0)

- d. **PDC07-081.** Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 259 multi-family residences over a podium garage on a 5.11 gross acre site, located on the east side of Campbell Avenue, approximately 400 feet southeasterly of El Camino Real (1270 Campbell Avenue)(Sobrato Development Co, Owner; Sobrato Development Mr Tim Steele, Developer). Council District 3. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, J.HAMILTON*

RECOMMENDED APPROVAL WITH CONDITION FOR UP TO 255 DWELLING UNITS. (7-0-0)

4. PETITIONS AND COMMUNICATIONS

Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- 1) Responding to statements made or questions posed by members of the public; or
- 2) Requesting staff to report back on a matter at a subsequent meeting; or
- 3) Directing staff to place the item on a future agenda.

Confirm that issue of Code Violations with Convention Center tent with Market/Almaden neighbor has been addressed and provide report. (7-0-0)

5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

None

6. GOOD AND WELFARE

- a. Report from City Council
 - *Green Building Policy for Private Sector Development Approved by City Council*
 - *Streamlining Ordinance at Rules Committee Meeting delayed to October 22, 2008.*
- b. Commissioners' Report from Committees:
 - (1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
Meeting in November.
 - (2) Envision San José 2040 General Plan Update Process (Kamkar).
Meeting commenced on Monday, September 22, 2008. Next Meeting on October 27, 2008 to review changing work plan
- c. Review of synopsis for 09/24/08.
Approved (7-0-0)
- d. Consider Study Session dates and/or topics and reschedule of Annual Retreat.
 - *Retreat – November 6, 2008*
 - *Cancel November 6, 2008 Study Session*

ADJOURNMENT